

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WAYNE WASHINGTON,)	
)	
Plaintiff,)	Case No. 16-cv-1893
)	
v.)	Judge John F. Kness
)	Magistrate Judge Maria Valdez
KENENTH BOUDREAU, et al.,)	
)	
Defendants.)	

TYRONE HOOD,)	
)	
Plaintiff,)	Case No. 16 CV 1970
)	
v.)	Judge John F. Kness
)	Magistrate Judge Maria Valdez
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR WRIT OF HABEAS CORPUS
AD TESTIFICANDUM FOR TRIAL TESTIMONY BY
INCARCERATED WITNESS MARSHALL MORGAN, SR.**

Plaintiffs Tyrone Hood and Wayne Washington, by and through their respective attorneys, respectfully request that this Court issue a writ of habeas corpus ad testificandum to secure the attendance at trial of Marshall Morgan, Sr., an important witness in this case. In support of their motion, Plaintiffs state as follows:

Plaintiffs intend to call Mr. Morgan, Sr. during the jury trial that commences on July 10, 2023. Plaintiffs have alleged that they were wrongfully convicted of the murder of Marshall Morgan, Jr. and spent two decades in prison despite their innocence. As alleged in their complaints, Marshall Morgan, Sr., the victim's estranged father, is an important fact witness in the case. Morgan, Sr. was one of the last people to see the victim alive and, as alleged in their complaints, Plaintiffs contend that strong circumstantial evidence connects Morgan, Sr. to the

murder of his son, Morgan, Jr. As such, it is critical that Plaintiffs be able to examine Morgan, Sr. at trial.

Mr. Morgan is currently incarcerated in Illinois at Sheridan Correctional Center, where he is serving a seventy-year sentence after confessing to shooting his girlfriend, and therefore he requires a writ of habeas corpus as testificandum to appear in person at trial.

Plaintiffs' similar motion was granted during the course of civil discovery in order for Plaintiffs to depose Mr. Morgan, Sr. in the Northern District of Illinois in the jury room for Magistrate Judge Valdez. Dkt. 269 & 284.

Plaintiffs intend to call Mr. Morgan, Sr. to testify the first week of trial on July 13, 2023. Entering the requested order will allow the Illinois Department of Corrections and United States Department of Corrections and the U.S. Marshall Service to coordinate his appearance.

The Court is authorized to grant a writ of habeas corpus for a prisoner when "[i]t is necessary to bring him into court to testify or for trial" pursuant to 28 U.S.C. § 2241(c)(5). Mr. Morgan, Sr.'s testimony is necessary for trial and Plaintiffs respectfully requests a writ be issued for him.

WHEREFORE, Plaintiffs respectfully move this Court for an order granting compelling Morgan, Sr.'s attendance at trial.

Respectfully submitted,

WAYNE WASHINGTON

TYRONE HOOD

/s/ Steven A. Greenburg

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